NOTIFICATION.

No. R.L. 881—Legis. 30-49-3, dated Bangalore, 27th December 1949.

Ordered that the accompanying Explosives (Temporary Provisions) Bill, 1949 (55 of 1949) and the Cinematograph (Second Amendment) Bill, 1949 (59 of 1949) published in the Gazette of India, dated 10th December 1949 be re-published in the *Mysore Gazette* for general information.

By Order,
B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

A. BILL No. 55 OF 1949.

A Bill to provide for the exemption for a limited period of operations affecting ammunition, explosives or inflammable substances from certain restrictions and for the regulation of those operations.

WHEREAS it is expedient to provide for the exemption for a limited period of the loading, unloading, handling, storage or conveyance of ammunition, explosives or inflammable substances from certain restrictions and for the regulation of those operations in the interests of safety;

It is hereby enacted as follows:—

1. Short title, extent, commencement and duration.—(*1*) This Act may be called the Explosives (Temporary Provisions) Act, 1949.

(*2*) It extends to all the Provinces of India, and also to every Acceding State to the extent to which the Dominion Legislature has power to make laws for that State with respect to the matters dealt with in this Act.

(*3*) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf and shall remain in force thereafter for a period of two years only.

2. Powers in respect of ammunition, explosives or inflammable substances.—(*1*) If the Central Government considers it necessary or expedient so to do, it may, by notification in the official Gazette, declare that such restrictions imposed by or under any law for the time being in force, as may be specified in the declaration shall not apply to the loading, unloading, handling, storage or conveyance of ammunition, explosives or inflammable substances in such circumstances as may be so specified.

(2) When a declaration has been made under sub-section (1), the Central Government or any authority authorised by it in writing in this behalf, may by order make such provision as appears to it to be required in the interests of safety for regulating the loading, unloading, handling, storage or conveyance of ammunition, explosives or inflammable substances to which the declaration relates.

(3) Any declaration or order made under this section shall apply only to the port of Vizagapatam and to railways over which ammunition, explosives or inflammable substances are carried to or from that port.

3. Effect of declaration or order.—Any declaration or order made under section 2 shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force and no such declaration or order shall be called in question in any Court.

4. Penalty.—If any person contravenes any order made under sub-section (2) of section 2, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

5. Protection of action taken.—(1) No suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused by anything in good faith done or intended to be done under this Act or any declaration or order made thereunder.

(2) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any declaration or order made thereunder.

STATEMENT OF OBJECTS AND REASONS.

The handling of ammunition, explosives and dangerous cargoes in large quantities at dock berths is not allowed at the major ports of India under the normal port rules, except in very small quantities. At the end of the war, large stocks of ammunition became surplus to requirements, and in the interests of safety it was considered essential that these stocks should be drowned at sea with the least possible delay. As the port rules are too restrictive for quick disposal, a Bill was moved in 1947 to facilitate the operations at the ports of Karachi and Vizagapatam. The dumping programme of drowning surplus ammunition had, however, to be postponed on account of transport difficulties, danger of pilferage and other reasons during the troubled period after partition, and considerable quantities of ammunition still remain to be disposed of. The object of the present Bill is to facilitate the operations at the port of Vizagapatam under adequate

safeguards, and also to provide for import and export, when necessary, under the same precautions. The Bill is intended to remain in force for a period not exceeding two years.

N. V. GADGIL.

NEW DELHI,
The 24th November 1949.

The following Bill was introduced in the Constituent Assembly of India (Legislative) on the 7th December, 1949 :—

A. BILL* No 59 OF 1949.

A Bill further to amend the Cinematograph Act, 1918.

WHEREAS it is expedient further to amend the Cinematograph Act, 1918 (II of 1918), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. Short title and commencement.—(*1*) This Act may be called the Cinematograph (Second Amendment) Act, 1949.

(*2*) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. Amendment of section 1, Act II of 1918.—In section 1 of the Cinematograph Act, 1918 (hereinafter referred to as the said Act), for sub-sections (*2*) and (*3*), the following sub-section shall be substituted, namely :—

"(*2*) It extends to all the Provinces of India and also to every Acceding State to the extent to which the Dominion Legislature has power to make laws for that State with respect to the matters dealt with in this Act."

3. Amendment of section 2, Act, II of 1918.—In section 2 of the said Act,—

(*i*) after the definition of 'adult' the following definition shall be inserted, namely,

"Authority" means the Authority constituted by the Central Government under section 6; and

(*ii*) in the definition of "place," for the words "tent or vessel," the words "tent or any description of transport, whether by sea, land or air," shall be substituted.

*In pursuance of the proviso to sub-section (2) of section 126 of the Government of India Act, 1935, the Governor-General has been pleased to give his previous sanction to the introduction of the Bill in the Constituent Assembly of India (Legislative).

4. Insertion of new section 2A in Act II of 1918.—After section 2 of the said Act, the following section shall be inserted, namely :—

"2A. *Rule of construction in the Application of Act to Acceding States.*—In the application of this Act to any Acceding State, unless there is anything repugnant in the subject or context,—

(*a*) references to a Province or the Provincial Government shall be construed as references to that Acceding State or the Government of that Acceding State, as the case may be;

(*b*) references to the District Magistrate shall be construed as references to the corresponding authority in the Acceding State; and

(*c*) references to the official Gazette shall be construed as references to the corresponding official publication of that State."

5. Amendment of section 5, Act II of 1918.—For sub-sections (*2*) and (*2A*) of section 5 of the said Act, the following sub-sections shall be substituted, namely :—

"(*2*) The grant of every licence shall be subject to the conditions that the licensee will not exhibit, or permit to be exhibited, in such place—

(*a*) any film other than a film which has been certified by the Authority as suitable for unrestricted public exhibition or for public exhibition restricted to adults, and which, when exhibited, displays the prescribed mark of that authority, and has not been altered or tampered with in any way since such mark was affixed thereto;

(*b*) any film which has been certified by the Authority as suitable for public exhibition restricted to adults to any person who is not an adult;

(*c*) any film contrary to any directions that may be issued from time to time in this behalf by the Central Government under sub-section (*2A*),

and such conditions shall be deemed to be inserted in every licence.

(*2A*) The Central Government may from time to time issue directions to licensees generally, or to any licensee, in particular, for the purpose of regulating the exhibition of any film or class of films so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited."

6. Substitution of new sections for sections 6 to 9, Act II of 1918.—For sections 6, 7, 8 and 9 of the said Act, the following sections shall be substituted, namely:—

"6. *Certification of films.*—(1) The Central Government may, by notification in the official Gazette, constitute an Authority in the prescribed manner for the purpose of examining and certifying films as suitable for unrestricted public exhibition or for public exhibition restricted to adults, and prescribe the manner in which the Authority shall exercise the powers conferred on it by this Act.

(2) If the Authority after examination considers that a film is suitable for unrestricted public exhibition or that, although not suitable for such exhibition, it is suitable for public exhibition restricted to adults, it shall grant to the person applying for a certificate in respect of the film a "U" certificate in the former case and an "A" certificate in the latter case, and shall in either case cause the film to be so marked in the prescribed manner, and any such certificate shall, save as hereinafter provided, be valid throughout the territories to which this Act extends.

(3) If the Authority is of opinion that a film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults, it shall inform the person applying for the certificate of its decision.

(4) Any person applying for a certificate, who is aggrieved by the decision of the Authority refusing to grant a certificate or to grant only an "A" certificate, may, within thirty days from the date of such decision, appeal to the Central Government, and the Central Government may, after such inquiry as it considers necessary, pass such orders thereon as it thinks fit.

(5) If the Central Government rejects an appeal on the ground that a film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults, it shall, by notification in the official Gazette, direct that the film shall be deemed to be an uncertified film in the whole of the territories to which this Act extends.

(6) For the purpose of disposing of any appeal under this section, the Central Government may demand the exhibition before any authority specified in this behalf of any film.

(7) Notwithstanding anything contained in this Act, the Central Government may, of its own motion, by notification in the official Gazette, direct that—

(*a*) a certified film shall be deemed to be an uncertified film in the whole or any part of the territories to which this Act extends, or

(*b*) a film in respect of which a "U" certificate has been granted shall be deemed to be a film in respect of which an "A" certificate has been granted.

Explanation.—The grant of an "A" certificate in respect of any film shall not be deemed to prohibit the exhibition thereof to children below the age of three.

7. *Power of Provincial Government or local authority to suspend certificates in certain cases.*—(1) The Provincial Government, in respect of the whole Province or any part thereof, and the District Magistrate or the Commissioner of Police, in respect of the district or town within his jurisdiction, may, if it or he is of opinion that any film, which is being publicly exhibited, is likely to cause a breach of the peace, by order suspend the certificate of any film, and during such suspension the film shall be deemed to be an uncertified film in the Province or the district or town, as the case may be.

(2) Where an order under sub-section (1) has been issued by a District Magistrate or a Commissioner of Police, a copy thereof, together with a statement of reasons therefor, shall forthwith be forwarded by the person making the same to the Provincial Government, and the Provincial Government may either confirm or discharge the order.

(3) No order made under this section shall remain in force for more than two months, but the Provincial Government may, if it is of opinion that any such order should continue in force for a further period, refer the matter to the Central Government for decision.

(4) On receipt of any reference under sub-section (3), the Central Government may, by notification in the official Gazette, direct that the period of suspension shall be extended by such further period as it thinks fit or that the film shall be deemed to be an uncertified film in the whole or any part of the territories to which this Act extends.

8. *Penalties.*—(1) If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act or the rules made thereunder, or of the conditions and restrictions upon, or subject to, which any licence has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues, and his licence, if any, shall be liable to be revoked by the licensing authority.

(2) The exhibition of a film contrary to any order or direction under sub-section (5) or sub-section (7) of section 6 or section 7 shall, in the area to which such order or direction relates, be deemed to be a contravention of the conditions mentioned in sub-section (2) of section 5 and shall be punishable as provided in this section.

(3) If any person is convicted of an offence punishable under this Act committed by him in respect of any film, the convicting Court may further direct that the film shall be forfeited to the Government.

9. *Power to make rules.*—(1) The Central Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for—

(*a*) the manner in which the Authority shall be constituted ;

(*b*) the delegation of any of the powers of the Authority to such person or persons as the Authority may nominate in this behalf ;

(*c*) the procedure of the Authority for examining and certifying films as suitable for public exhibition, and all matters ancillary thereto and the fees to be levied by such Authority;

(*d*) the appointment of officers subordinate to the Authority and the regulation of the powers and duties of such officers ;

(*e*) the conditions subject to which any certificate may be granted under this Act or the circumstances in which any certificate shall be refused ;

(*f*) the manner in which any appeal under this Act may be preferred ;

(*g*) any other matter which by this Act is to be prescribed.

(3) The Provincial Government may make rules to provide for the regulation of cinematograph exhibitions for securing the public safety.

(4) All rules made under this Act shall be published in the official Gazette, and on such publication shall have effect as if enacted in this Act.

10. *Power to give directions.*—The Central Government may give directions to any Provincial Government as to the carrying into execution in the Province of any of the provisions contained in this Act or of any rules or orders made thereunder.

11. *Power to exempt.*—The Central Government may, by order in writing, exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rule made thereunder."

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to centralise censorship of films. The Government of India Act, 1935, was amended in January, 1949 to enable executive authority to be exercised by the Central Government in the Provinces in respect of the sanctioning of cinematograph films for exhibition. There are at present Provincial Boards of Films Censors, deriving authority from respective Provincial Governments and having no uniform policy. Films certified by one are thus often uncertified in other Provinces. Moreover, when copies of the same film are submitted to different Boards portions objected to by one are sometimes passed by another or films rejected in one place are passed elsewhere. With a view to remove such anomalies and to introduce uniformity in censorship which will help to raise the standard of films as a medium of education and health entertainment, it has been decided to replace the existing Provincial Boards by a single censoring Authority appointed by the Central Government. It is accordingly proposed to amend the Cinematography Act of 1918 so as to enable such an Authority to be set up.

R. R. DIWAKAR.

NEW DELHI;
The 29th November, 1949.

M. N. KAUL,
Secy. to the Govt. of India.